



# UNITED STATES PATENT AND TRADEMARK OFFICE

*mn*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,688	07/27/2005	Jens David	A36475 PCT USA (066340.02)	7649
21003 7590 05/16/2007 BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498			EXAMINER DU, THUAN N	
			ART UNIT 2116	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,688	<b>Applicant(s)</b> DAVID ET AL.	
	<b>Examiner</b> Thuan N. Du	<b>Art Unit</b> 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment and Drawings (dated 3/6/07).
2. Claims 1-10 are presented for examination.
3. Applicant is hereby noted that the amendment filed on March 6, 2007 does not comply with 37 CFR 1.121 because each claim has not been provided with the proper status identifier [note: the status identifier of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended)]. To expedite the examination of the instant application, examiner considers the status identifier of the claims that have not been indicated as "Original."
4. The rejections are respectfully maintained and reproduced infra for applicant's convenience.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

6. The drawings filed on 3/6/07 are acceptable for examination purposes only. Formal drawings are required in response to this office action.

***Claim Objections***

7. Claim 1 is objected to because of the following informalities:
  - a. Claim 1 recites the limitation “the processor system” in line 7. There is insufficient antecedent basis for this limitation in the claim.
  - b. It is not clear whether “processor element” in line 8-9 is the same or different from “processor element” in line 2.
8. Claims 2-10 are also objected for incorporating the above deficiency by dependency.

***Claim Rejections - 35 USC § 103***

9. Claims 1 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant’s admission of prior art [AAPA] and Branstad, U.S. Patent No. 6,519,716.
10. Regarding claim 1, AAPA teaches a method for initializing a programmable system having at least one processor element, register and internal and/or external modules [Fig. 1], the method comprising the steps of:
  - after turn-on or other event triggering a fresh start of the programmable system,
  - transferring initialization information for the processor element from an external or internal non-volatile storage medium (14) to an internal memory (11) coupled to a processor element under the control of a program stored in an instruction memory portion (9) coupled to the processor element, wherein the initialization information includes initialization data [Fig. 1; application’s specification, paragraphs 0009-0010]; and
  - reading and transferring initialization data [application’s specification, paragraph 0010] and further initializing the registers and modules under the control of the at least one processor

Art Unit: 2116

element (8) of the programmable system [Fig. 1; application's specification, paragraphs 0009-1010].

AAPA does not explicitly teach that the initialization information includes initialization program which controls the initialization.

Branstad teaches a method for configuring a device by transferring initialization program, which controls the processor element to perform the initialization, from a non-volatile storage medium to an internal memory [col. 5, lines 19-24].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Branstad because they both teach method for initializing a peripheral device.

11. Regarding claims 4-6, one of ordinary skill in the art would have recognized that the initialization data is obviously altered and calculated by the processor element in order for initializing the device using the stored initialization data.

12. Regarding claims 7-10, these claims are directed to method steps for initializing a programmable system of claim 1. As stated above, AAPA and Branstad teach the invention substantially as set forth in claim 1. At the time of the invention, one of ordinary skill in the art would have readily recognized that AAPA and Branstad may obviously also teach the method steps of claim 1 as set forth in claims 7-10. As such, claims 7-10 are rejected under the same rationale with respect to claim 1.

13. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art [AAPA], Branstad, U.S. Patent No. 6,519,716 and Klein, U.S. Pub. No. 2001/0052067.

Art Unit: 2116

14. Regarding claims 2 and 3, both AAPA and Branstad do not explicitly teach the error checking of the initialization program. Klein teaches the validity of the initialization program [p. 2, paragraphs 0009-0010]. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA-Branstad and Klein because it would increase the reliability of the system.

*Response to Arguments*

15. All rejections of claim limitations as filed prior to Amendment dated 3/6/07 not argued in their entirety or substantively in the response to the prior Office action have been conceded by Applicant and the rejections are maintained from henceforth.

16. Applicant's arguments filed 3/6/07 have been fully considered but they are not persuasive.

In response to applicant's argument that Branstad does not describe or teach any method or process for initialization, examiner respectfully disagrees. Branstad states that:

"The invention is generally related to the initialization of an electronic device such as an adaptor or other electronically controlled component in a data processing system, and in particular, to control over the retrieval of initialization code for execution by such an electronic device during initialization" [col. 1, lines 7-12].

Therefore, Branstad teaches the step of transferring an initialization program, used for controlling an initialization process, from an external memory into (and stored in) an internal memory as claimed.

***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 7:30 am - 4:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2116

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD  
May 11, 2007



**TUAN H. DU**  
**PRIMARY EXAMINER**